

clm  
**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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BRENTWOOD CREDIT CORPORATION,

Plaintiff,

-against-

GLEN S. DAVIS.

Defendants.

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**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

**JUN 13 2005**

**LONG ISLAND OFFICE**

**REPORT AND  
RECOMMENDATION**

CV 04-1778 (SJF)

On or about January 10, 2005 the court sent a Notice to plaintiff which advised such party that our records indicate that there has been no activity in this case since July 23, 2004.

In the Notice the plaintiff was advised to inform the Court in writing of the present status of this case and any anticipated progress in this action within twenty (20) days from the date of the request or the Court would Report and Recommend that the action be dismissed without prejudice for failure to prosecute. Accordingly, plaintiff has not complied with the Notice. It is therefore

**Reported and Recommended** that the court on its own initiative dismiss the within action without prejudice. Fed. R. Civ. P. 41.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court with a copy to the undersigned within fifteen (15) days of the date of this Report. Failure to file objections within this period waives the right to appeal the District Court's order. See 28 U.S.C. section 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e); *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. June 30, 1997); *Savoie v. Merchants Bank*, 84F.3d 52, 60 (2d Cir. 1996); *IUE AFL-CIO Pension Fund v. Herrmann*, 9 F.3d 1049, 1054 (2d Cir. 1993); *Roldan v. Racette*, 984 F.2d 85, 89 (2d Cir. 1993); *Frank v. Johnson*, 968 F.2d 298, 299 (2d Cir. 1992).

Dated: June 13, 2005

Central Islip, New York

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**MICHAEL L. ORENSTEIN**  
Chief United States Magistrate Judge